

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
MOTOROLA, INC.)	FCC 11-174
)	
Application for Consent to Partition and)	File Nos. 0002438737-39, 0002438741-
Disaggregate <i>and Assign</i> Licenses, and)	42, 0002438744, 0002438746,
Requests for Waiver of Part 80 Rules to)	0002438749, 0002438759,
Permit Use of Maritime Frequencies for)	0002633764, 0002633769,
Private Land Mobile Radio Communications)	0002635143
)	
Amendment of the Commission's Rules)	PR Docket No. 92-257
Concerning Maritime Communications)	
)	

To: Office of the Secretary
Attn: Wireless Telecommunications Bureau
(which may deliver to the Commission, if appropriate)

Reply to Opposition to Limited Appeal and Reservation¹

Petitioners hereby submit this reply to the Motorola Solutions, Inc. ("Motorola") opposition (the "Opposition") to their limited Appeal of the Order.

In response to the positions Motorola took in its Opposition, Petitioners submit the following:

It is improper for Motorola to suggest that this limited Appeal is procedurally defective and sanctionable, for reasons given below, including that the Appeal does not seek relief other than what the Commission itself may rule in the defined First Case in favor of Petitioners, but which must be in the public interest (since all FCC decisions, even in restricted proceedings in favor of one party, must be in the public interest). Additional reasons are given below that any request and decision under Sections 1.41 and 1.2 (as well as Section 1.106(c)(2)) rest upon the FCC obligation under the Communications Act to decide in the public interest, apart from issues

¹ The defined terms used herein have the same meaning as in the limited Appeal.

of timeliness and other potential procedural bars that exist under other rules. It is clear under the just cited rules that the Commission is affording itself, and parties that bring to the Commission facts and law in the public interest, proper mechanisms by which the Commission can decide in the public interest, without a private party opposing that based upon an asserted private interest.

Contrary to Motorola in its Opposition, it is Motorola, and not Petitioners, who are opposing a proper decision in the public interest. Motorola could have and should have required the assignor, Maritel, to disclose to the FCC the relevant documents as to its asserted transfer of control, among other actions Motorola could have taken to resolve the subject licensing actions based upon proper facts (e.g. requesting that Maritel fully disclose Donald DePriest's ownership in Maritel, any of Maritel's communications, relations and/or agreements with MCLM or Donald DePriest regarding MCLM, etc.). Motorola has also been cited by MCLM in the proceeding involving FCC 11-64 as a company that supported the accused company, MCLM, and its predecessor, Mobex, in actions subject of the hearing under FCC 11-64 for license revocations and terminations. Motorola clearly has relevant evidence in that case that it could have, but has not presented in that case, to assist the Commission in a timely and proper decision in the public interest.

Contrary to the Opposition's assertions, for any request to the FCC that does not fall within the FCC's formal petition rules or defined procedure, like a petition to deny, the Commission still has a practice to give a decision on such filings under Section 1.41, if a decision on the matters in the request/petition is in the public interest. Section 1.41 gives the Commission authority to decide matters in the public interest that would otherwise not be possible under rules permitting formal pleadings. Under that practice, Motorola cannot assert the subject Appeal is frivolous or sanctionable, because of the purpose and nature of Section 1.41.

Further, the Commission does accept as procedurally sound a petition for reconsideration under Section 1.106(c)(2), that has substance that is in the public interest, even if that substance

is new in the subject proceeding and could have been earlier known and presented. Where the FCC has found otherwise in some cases, Petitioners believe the controlling FCC precedent, which will stand up to Court review and is in accord with a direct reading of the rule, and relevant portions of the Communications Act, is as follows [underlining added for emphasis]:

...a petition for reconsideration which relies on facts not previously presented to the Commission may be granted only if these facts relate to events which have occurred or circumstances which have changed since the last opportunity to present such matters, or if these facts were unknown to petitioner until after its last opportunity to present such matters. Should these circumstances not be present, the rules nevertheless allow grant of the petition for reconsideration should the Commission determine that consideration of the facts relied on by petitioner is in the public interest. *Id.* at § 1.106(c)(2).

See *Stockholders of CBS Inc. and Westinghouse Electric Co., Memorandum Opinion and Order*, FCC 96-478, released 12/17/96, 11 *FCC Rcd* 19746, at its ¶ 8 (Also, see Attachment 1 hereto).

The Appeal properly asked for it to be processed under FCC rule Section 1.2 regarding declaratory rulings. The reason that is proper is that there does not appear to be a clear precedent directly on point regarding the substance of the Appeal's request, which is a procedural matter.

The Opposition requests regulatory finality in the instant proceeding, however, on the other hand, it suggests that the Commission would not be prejudiced from taking action in other proceedings regarding the "collateral issues" regarding MCLM or Donald DePriest. Of course, that goes both ways. Clearly, the instant proceeding cannot be unreviewable and final since, to give one example, the hearing under FCC 11-64 involves Donald DePriest, who was the majority controlling interest holder of Maritel at the time of the subject assignments (Donald DePriest's ownership in Maritel and whether or not the transfers of control were effective, lawful transfers, are still matters pending before the FCC and not subject to a final decision)², and if the FCC

² In the Opposition, Motorola continues to attempt to characterize the instant proceeding as one only involving Maritel and Motorola, and not MCLM or Donald DePriest, but that is clearly misleading since Donald DePriest, as just noted, was, per FCC records at the time (including

finds that Donald DePriest violated FCC rules and law and is subject to disqualification as an FCC licensee, then it may also find that (per precedent and its *Character Policy Statement*) any companies controlled by Donald DePriest are also disqualified as FCC licensees at the time of said violations, including Maritel, and it may rescind consent to and unwind any transactions, including license assignments, by said entities.³ The *Westel* precedent clearly shows that Maritel is a party to the FCC hearing under FCC 11-64, whether it is specifically named or not, because its majority controlling interest holder, Donald DePriest, is a party in said proceeding.

Also, as discussed above, any facts discovered in the FCC hearing under FCC 11-64, or in any other proceeding or otherwise, that are relevant to Maritel or Donald DePriest, including while he was the majority controlling interest holder of Maritel, would not be barred from Commission consideration in the instant proceeding regarding the subject applications and underlying licenses, including under Sections 1.41 and 1.106(c)(2).

Regarding the Opposition's Section D, Motorola refers to a "PSI Proceeding". However, it apparently cited the wrong decision because what it did cite does not involve PSI (Paging

Form 602) and Maritel's own position before the FCC, the majority controlling interest holder of Maritel, Inc. at the time of the subject assignments.

³ See e.g.: *Westel* precedent [underlining added for emphasis]:

"Generally, breach of the duty to be truthful to the Commission takes two basic forms: (1) misrepresentation, and (2) lack of candor (failure to disclose). The former involves false statements of fact; the latter involves concealment, evasion, or other failure to be fully informative. Thus, an applicant's duty can be breached by affirmative misrepresentations and/or by a failure to come forward with a candid statement of relevant facts, whether or not such information is particularly elicited by the Commission." *Applications of Westel Samoa, Inc.*, Memorandum Opinion and Order, Hearing Designation Order, Notice of Opportunity for Hearing, and Order to Show Cause, 12 FCC Rcd. 14,057 (1997) at ¶ 38 ("*Westel*").

"Mr. Breen's failure to timely inform the Commission about material facts of which he was aware constitutes a breach of duty to the Commission and raises a substantial and material question of fact as to whether Mr. Breen lacked candor before the Commission. As the majority shareholder in Westel, Mr. Breen's misconduct calls into question whether Westel is qualified to be a Commission licensee. Accordingly, Westel's applications will be designated for a hearing in this consolidated proceeding." *Westel* at ¶ 48.

Systems, Inc.). Petitioners disagree that in the proceeding Motorola referenced, FCC 11-116, there was any sanctionable activity at all. Instead, Petitioner Havens has shown in his pending administrative appeal that there was no sanctionable action and that the subject earlier appeals were clearly procedurally sound under Section 1.106(c)(2), for the reasons noted above and under the full Commission precedent cited above (and included at Attachment 1), and for other good cause given in the pending appeal. In addition, Motorola fails to note the most recent Commission pronouncement in the above-noted proceeding in this paragraph, which is as follows:

See Warren C. Havens, 27 FCC Rcd 2756, 2759 ¶ 10 (2012) (Section 1.52 directly authorizes sanctions for filing frivolous pleadings against attorneys and at least by implication justifies sanctions against non-attorneys.)

Memorandum Opinion and Order, FCC 12-113, released 9/14/2012 at footnote 19.

Clearly, the just quoted comment is the FCC's admission that *pro se* parties are not sanctionable under Section 1.52. A rule must be clear on its face to be enforceable. An interpretation and application of a rule cannot be lawfully made based upon "implication". However, as shown in Petitioner Havens' pending appeal in the FCC 11-116 proceeding, there was no sanctionable activity in the first place.

For the reasons given, the relief sought by the Appeal should be granted.

Respectfully:

Environmenel LLC, by

[Filed electronically. Signature on file.]

Warren Havens

President

Verde Systems LLC, by

[Filed electronically. Signature on file.]

Warren Havens

President

Telesaurus Holdings GB LLC, by:

[Filed electronically. Signature on file.]

Warren Havens

President

Intelligent Transportation & Monitoring Wireless LLC, by

[Filed electronically. Signature on file.]

Warren Havens

President

Skybridge Spectrum Foundation, by

[Filed electronically. Signature on file.]

Warren Havens

President

/s/ *[Filed electronically.]*

Warren Havens, Individually

Address for each above entity:

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December 31, 2012

In re Applications of Stockholders of CBS Inc. (Transferor) and Westinghouse Electric Company (Transferee) For Transfer of Control of CBS Inc., Licensee of WCBS-TV, New York, New York, WCBS(AM), New York, New York, WCBS-FM, New York, New York, KCBS-TV, Los Angeles, California, KNX(AM), Los Angeles, California, KCBS-FM, Los Angeles, California, WBBM-TV, Chicago, Illinois, WBBM(AM), Chicago, Illinois, WBBM-FM, Chicago, Illinois, WGPR-TV, Detroit, Michigan, WWJ(AM), Detroit, Michigan, WYST-FM, Detroit, Michigan, WCCO-TV, Minneapolis, Minnesota, KCCO-TV, Alexandria, Michigan, KCCW-TV, Alexandria, Michigan, WCCO-AM, Minneapolis, Minnesota, WLTE-FM, Minneapolis, Minnesota, WFRV-TV, Green Bay, Wisconsin, WJMN-TV, Escanaba, Michigan, WPRI-TV, Providence, Rhode Island, WGMP(AM), Philadelphia, Pennsylvania, WOGL-FM, Philadelphia, Pennsylvania, KCBS(AM), San Francisco, California, KRQR-FM, San Francisco, California, WODS-FM, Boston, Massachusetts, WARW-FM, Bethesda, Maryland, KRRW-FM, Dallas, Texas, KTXQ-FM, Fort Worth, Texas, KKRW-FM, Houston, Texas, KMOX(AM), St. Louis, Missouri, KLOU-FM, St. Louis, Missouri

File Nos. BTC, BTCH, BTCCT-950803KF through 950803LI

RELEASE-NUMBER: FCC 96-478

FEDERAL COMMUNICATIONS COMMISSION

11 FCC Rcd 19746; 1996 FCC LEXIS 6981; 5 Comm. Reg. (P & F) 1050

December 17, 1996 Released; Adopted December 16, 1996

CORE TERMS: ex parte, reconsideration, public interest, merger, public notice, reporting, non-restricted, presentation, station, license, modification, broadcast, Communications Act, above-captioned, minority-owned, consummating, buyer, opportunity to present, reconsider, defer

ACTION:

[**1] MEMORANDUM OPINION AND ORDER

JUDGES: By the Commission

OPINION:

[*19747] 1. The Commission has before it a petition for reconsideration filed by Spectrum Detroit, Inc. (Spectrum) seeking reversal of our November 22, 1995 grant of the above-captioned applications for approval of the transfer of control of CBS Inc. (CBS) from the shareholders of CBS to Westinghouse Electric Company (Westinghouse). Stockholders of CBS Inc., 11 FCC Rcd 3733 (1995). CBS filed an Opposition on February 14, 1996.

Background

2. In October, 1994, the Commission received an application for assignment of license of WGPR, Inc.,

licensee of WGPR-TV, Detroit, Michigan, to CBS Inc. Spectrum, a Michigan corporation owned by seven African-American individuals who reside in the WGPR-TV service area, filed a petition to deny this assignment, based primarily upon the allegation that CBS had assumed premature control of WGPR-TV through the local marketing agreement (LMA) it had entered into with WGPR, Inc. concurrently with the execution of the purchase and sale agreement for that station. Petitioner also argued that the WGPR-TV application should be designated for hearing to determine whether the public **[**2]** interest would be served by the sale of the minority-owned television station to CBS, rather than to a minority-owned buyer. On July 27, 1995, the Commission denied the Spectrum petition and granted the assignment application. WGPR, Inc., 10 FCC Rcd 8140 (1995). In denying the petition, the Commission found that WGPR, Inc. and CBS had entered a legitimate LMA and, consequently, that WGPR, Inc. had not prematurely ceded control of its station to CBS. *Id.* at 8142-46. With respect to the issue of minority ownership, the Commission noted that Section 310(d) of the Communications Act, 47 C.F.R. § 310(d), prohibits it from consideration of an assignee or transferee other than the one before it, and that it cannot therefore deny the assignment based on Spectrum's argument that the station should be sold to a minority buyer. A day after release of WGPR, Inc., petitioner appealed the **[*19748]** decision to the United States Court of Appeals for the District of Columbia. n1

n1 Spectrum Detroit, Inc. v. FCC, No. 95-1443 (D.C. Cir. filed July 28, 1995). This case has been consolidated with Alexander J. Serafyn v. FCC, No. 95-1385 and other WGRR, Inc.- related appeals. The **Circuit Court** of Appeals for the District of Columbia is holding these cases in abeyance pending Commission action on Spectrum's petition for reconsideration.

[3]**

3. On August 3, 1995, the above-captioned applications were filed seeking consent to the transfer of control to Westinghouse of the broadcast licenses held by CBS. This included the license of WGPR-TV. n2 The Mass Media Bureau issued a public notice on August 9, 1995, affording interested parties 30 days for the filing of petitions to deny. Spectrum filed a petition to deny or defer action, on September 7, 1995, in which it urged the Commission to either deny the merger or, in the alternative, to approve the merger expressly conditioned upon the outcome of its court appeal in the WGPR-TV case. Several other petitions were filed, including one by The Office of Communication of the United Church of Christ (UCC). Determining that "the matters addressed by the United Church of Christ petition pertaining to the children's television and political broadcast obligations of the parties to this transaction raise issues of general applicability on which broad public participation would be of assistance," the Mass Media Bureau issued a public notice in which it announced that the matters at issue in the UCC petition would be treated as non-restricted, as permitted by Section 1.1200(a) of the **[**4]** Commission's ex parte rules. 47 C.F.R. § 1.1200(a). It also stated, however, that pursuant to Section 1.1208, 47 C.F.R. § 1208, "all other aspects of this proceeding will continue to be classified as restricted" and that "ex parte presentations thus are prohibited with respect to all other issues involved." Public Notice. MM 95-93, DA 95-1963, released Sept. 12, 1995.

n2 The call sign for WGPR is now WWJ-TV.

4. Between September 15 and September 22, 1995, parties representing Westinghouse made several contacts with Commission personnel, and subsequently filed reports with the Commission regarding these contacts. n3 On September 14, CBS and Westinghouse each filed Oppositions to the Spectrum petition, to which Spectrum filed a Reply on September 22, 1995.

n3 See Ex Parte Reports from Ramsey L. Woodworth, Attorney for Westinghouse Electric Corporation to William F. Caton, Acting Secretary, Federal Communications Commission (Sept. 22,

1995) (three letters reporting meetings conducted on September 20 with David R. Siddall, Legal Advisor to Commissioner Susan Ness; Commissioner James Quello, Senior Legal Advisor Lauren J. Belvin, and Legal Advisor Maureen O'Connell; Chairman Reed Hundt, Chief of Staff Blair Levin, and Julius Genachowski, Counsel to the Chairman); Ex Parte Reports from Stephen A. Hildebrandt of Westinghouse Electric Corporation to William F. Caton, Acting Secretary, Federal Communications Commission (October 2, 1995) (two letters filed, one reporting telephone discussions on September 15 and 18 with Maureen O'Connell, and one reporting a September 22 telephone conversation with Jane Mago, Legal Assistant to Commissioner Rachelle Chong).

[**5]

[*19749] 5. On November 22, the Commission granted the transfer of control. It also denied Spectrum's petition to deny or defer action, noting that "neither the Communications Act nor any Commission rule or policy mandates the maintenance of the status quo pending a judicial appeal of its order," Stockholders of CBS Inc., 11 FCC Rcd 3733, 3744 (1995) (citations omitted). Spectrum would not be precluded from any legal redress accorded it in its appeal, reasoned the Commission, because in the event the court reversed the WGPR, Inc. decision, it would then remand the case to the Commission which would carry out the court's judgment pursuant to Section 402(h) of the Act. 47 U.S.C. § 402(h). The Commission did, however, remind Westinghouse that it would proceed at its own risk vis-a-vis WGPR-TV since it, as well as CBS, would "bear all potential costs in consummating a Commission-approved transaction that is later reversed by the Court of Appeals." Stockholders of CBS, Inc., 11 FCC Rcd at 3744 (citations omitted). Spectrum now seeks reconsideration of our denial of its petition in Stockholders [*6] of CBS Inc.

Spectrum's Petition for Reconsideration

6. Spectrum bases its petition for reconsideration on the assertion that the Bureau's public notice concerning the modified ex parte rules and the various contacts between the Commission and representatives from Westinghouse under that public notice, violated the ex parte rules. Specifically, Spectrum asserts that when an opposition is filed to a pending broadcast application, that proceeding becomes restricted. 47 C.F.R. § 1.1208(c)(1)(i)(B), (ii)(A), and the Commission does not have the authority to designate as non-restricted part of such a proceeding. Even if the Commission could bifurcate a proceeding in this manner, asserts petitioner, the Commission "simply cannot deal with some public interest considerations... based on the public record and deal with other public interest considerations based in part on private lobbying activities, and arrive at an adjudication of all of those public interest considerations that is fair and even handed to parties who were not invited to the private lobbying sessions." Petition for Reconsideration at 11. And, even if the Commission could conduct the adjudication fairly using this procedure, [*7] Spectrum alleges that the Commission inadequately explained the manner in which the ex parte communications influenced its disposition of the UCC petition. n4 Finally, it claims that Westinghouse reports detailing its meetings with the Commission to discuss the UCC issues were neither timely submitted on the day of the oral presentation, nor comprehensive enough to meet the other reporting requirements for non-restricted proceedings outlined in Section 1.1206(a)(2), 47 C.F.R. § 1.1206(a).

n4 Petitioner also claims that a meeting which, according to an article in the November 20, 1995 issue of Broadcasting & Cable, occurred on August 2, 1995 between representatives of CBS and Westinghouse, and Commissioner Quello, violated the ex parte rules because of the pendency of the WGPR, Inc. appeal.

7. In response, Westinghouse claims that the Spectrum Petition for Reconsideration improperly raised matters for the first time which should have been raised prior to the [*19750] Commission's decision in

the case, thus violating the Commission's rule governing such petitions. 47 C.F.R. § 1.106. Regarding the substance of Spectrum's allegations, Westinghouse argues that the restricted status [**8] of the WGPR-TV proceeding does not govern Commission consideration of the CBS-Westinghouse merger, a separate transfer, and that the August meeting between the CBS-Westinghouse representatives and Commissioner Quello about the proposed merger, not yet subject to any ex parte restrictions, did not violate any ex parte rules. Westinghouse further claims that the September meetings between it and the Commission did not disadvantage Spectrum since these meetings did not deal with the still-restricted issues raised by Spectrum, and that the Commission does have the discretion, pursuant to Section 1.1200(a), to modify its ex parte rules when the public interest requires such modification. Westinghouse concludes by asserting that it did not contravene any of the Commission's non-restricted proceeding ex parte contact reporting requirements, noting that "arguably, these reports were not even required under the current provisions of Section 1.1206 since they did not involve contacts in which data or arguments were presented which were not reflected in the written filings in the proceeding." CBS Opposition at 9.

Discussion

8. We find that Spectrum's Petition for Reconsideration is procedurally [**9] defective and therefore should be dismissed. Under Commission rules, a petition for reconsideration which relies on facts not previously presented to the Commission may be granted only if these facts relate to events which have occurred or circumstances which have changed since the last opportunity to present such matters, or if these facts were unknown to petitioner until after its last opportunity to present such matters.ⁿ⁵ Should these circumstances not be present, the rules nevertheless allow grant of the petition for reconsideration should the Commission determine that consideration of the facts relied on by petitioner is in the public interest. *Id.* at § 1.106(c)(2). As noted by CBS, the matters raised by Spectrum in its petition for reconsideration, which were all based upon actions that occurred prior to Commission approval of the CBS-Westinghouse transfer, could have been raised earlier. If Spectrum believed that the Bureau's modification of the Commission's ex parte rules was improper or inappropriate, it could have petitioned the Bureau to reconsider, or the Commission to review, that action based on the reasons Spectrum now gives here. Similarly, if Spectrum believed that [**10] impermissible ex parte presentations occurred in the proceeding, it could have raised this matter prior to Commission action on the merger applications. Moreover, as pointed out by Westinghouse, "all of these reports were served on petitioner in September and early October of 1995 with an invitation to address any questions in connection therewith to Westinghouse's attorneys." CBS Opposition at 10 (footnote omitted). Thus, Spectrum had ample opportunity to contest modification of the ex parte [*19751] procedures as well as the propriety of any ex parte communications that may have occurred.ⁿ⁶ Indeed, not only could Spectrum have raised its allegations prior to Commission approval of the merger, but according to our rules any party to a proceeding "who has substantial reason to believe that a violation of [the ex parte rules] has been... committed, shall promptly advise the Managing Director in writing of all the facts and circumstances concerning the matter which are known to him." 47 C.F.R. § 1.1214 (emphasis added).

ⁿ⁵ See 47 C.F.R. § 1.106(c)(1).

ⁿ⁶ The public notice issued by the Bureau apprising the public of the revised ex parte procedures was released September 12, 1995, and, except for the August 2, 1995 meeting which, as an exempt presentation, was not subject to any disclosure requirement, all of the allegedly improper ex parte contacts were reported on or before October 2, 1995, well before the Commission's action approving the transfer applications on November 22, 1995. Moreover, Westinghouse has stated that, "as summarized in the reports, these contacts pertained only to the issues raised by [United Church of Christ]" and, arguably, were not even required to be reported under the current provisions of Section

1.1206 "since they did not involve contacts in which data or arguments were presented which were not reflected in the written filings in the proceeding." See CBS Opposition at 9. In the absence of evidence to the contrary, we have no reason to question the accuracy of Westinghouse's statement that no summaries were required and that "each report voluntarily was filed within a short period following the contact." Id. at 9 (emphasis added).

[**11]

9. Finally, contrary to Spectrum's argument, the approval of the CBS-Westinghouse merger does not impact the Commission's ability to fully and fairly consider the issue raised by Spectrum in the WGRP, Inc. case, should that case be remanded to the Commission by the D.C. Circuit. When discussing procedural issues related to the ongoing WGPR, Inc. case in the Order granting the CBS Westinghouse transfer, we noted that CBS and Westinghouse "bear all potential costs in consummating a Commission-approved transaction that is later reversed by the Court of Appeals." Stockholders of CBS Inc., 11 FCC Rcd at 3744. In light of the fact that this appears to be the sole basis of Spectrum's interest in this proceeding, we fail to see the harm Spectrum would suffer by our approval of the CBS-Westinghouse merger and therefore find no public interest basis for considering now Spectrum's untimely arguments.

Conclusion

10. In view of the foregoing, we conclude that no new facts have been presented that would cause us to reconsider our previous approval of the CBS-Westinghouse applications for transfer of control and that no other public interest reasons exist to cause [**12] us to set aside that earlier action.

[*19752] 11. Accordingly, IT IS ORDERED that the petition for reconsideration filed by Spectrum Detroit, Inc. IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

William F. Caton

Acting Secretary

Declaration

I, Warren C. Havens, individually and as President of Petitioners, hereby declare, under penalty of perjury, that the foregoing filing, was prepared pursuant to my direction and control and that all of the factual statements and representations, of which of I have direct, personal knowledge, contained therein are true and correct.

/s/ [Filed Electronically.]

Warren C. Havens

December 31, 2012

Certificate of Service

I, Warren Havens, certify that I have, on this 31st day of December 2012, caused to be served by placing into the USPS mail system with first-class postage affixed, unless otherwise noted, a copy of the foregoing filing to the following:⁴

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/s/ [Filed Electronically.]

Warren Havens

⁴ The mailed copy being placed into a USPS drop-box today may not be processed by the USPS until the next business day.